

# UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America	)	
v.	)	
Bryan Briggs	)	Case No: <u>4:97-CR-5-3F</u>
	)	USM No: <u>16924-056</u>
Date of Previous Judgment: <u>September 7, 1999</u>	)	
(Use Date of Last Amended Judgment if Applicable)	)	Defendant's Attorney <u>Thomas P. McNamara</u>

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_ months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____	Amended Offense Level: _____
Criminal History Category: _____	Criminal History Category: _____
Previous Guideline Range: _____ to _____ months	Amended Guideline Range: _____ to _____ months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain) :

### III. ADDITIONAL COMMENTS

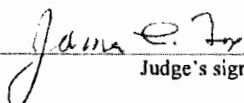
The amount of crack cocaine involved was greater than 4,500 grams; therefore, the reduction is not applicable.

Except as provided above, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 8/28/09

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Judge's signature

James C. Fox, Senior U.S. District Judge  
\_\_\_\_\_  
Printed name and title